



**DEFENSE FINANCE AND ACCOUNTING SERVICE
ARLINGTON**

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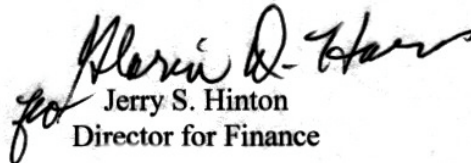
DFAS-DFM

**MEMORANDUM FOR DIRECTOR, MILITARY PAY OPERATIONS, DEFENSE
AND ACCOUNTING SERVICE (DFAS-PM/CL)**

**SUBJECT: Interim Change to Department of Defense Financial Management Regulation
(DoDFMR), Volume 7B, Proposed Change to Annuities for Certain Military
Surviving Spouses (DFAS Item L-79)**

The attached, Interim Change **R 08-03** to the DoDFMR, Volume 7B is a rewrite of Chapter 61. It also implements technical amendments to Annuities for Certain Military Surviving Spouses (ACMSS) as authorized under Section 634 of Public Law 107-314.

We have reviewed your comments on the proposed change and included your comments where appropriate. Assignment of the interim change number is your authority to initiate procedural modifications to implement this change. Use the attached to initiate the formal change to the DoDFMR, Volume 7B.


Jerry S. Hinton
Director for Finance

Attachment
As stated

cc: DASD (MPP)(Comp)
OUSD(C)(OCDFO)(FP)
ODGC(F)
DFAS-GA/CL
DFAS-PMO/CL
DFAS-PMJE/DE
Service Liaisons
USCG/NOAA/PHS Liaisons

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1. **Revise Chapter 61 with Tab A.**

**SUMMARY OF MAJOR CHANGES TO
DOD 7000.14-R, VOLUME 7B, CHAPTER 61
"ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)"**

Substantive revisions are denoted by a ★ preceding the section, paragraph, table
Or figure that includes the revision

PARA	EXPLANATION OF CHANGE/REVISION	EFFECTIVE DATE
	Interim change R 10-02 renumbered chapter 52 as new chapter 61, Annuities for Certain Military Surviving Spouses (ACMSS)	July 17, 2002

TABLE OF CONTENTS**ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)**

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Chapter 61

ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)**6101 AUTHORITY**

Public Law 105-85 (reference fu), provided temporary authority to pay certain military surviving spouses who were qualified surviving spouses effective December 1, 1997. Public Laws 106-65 and 107-314 provided permanent authority and technical amendments to ACMSS.

6102 ANNUITY APPLICATION

A qualified surviving spouse submits a claim, DD Form 2769 (Application for Annuity Certain Military Surviving Spouses), to the Military Service concerned. The Military Service reviews the claim and determines whether the applicant is qualified for an ACMSS annuity. If information is unavailable from existing records (such as DEERS (Defense Enrollment Eligibility Reporting System)), the applicant may be required to submit the following documentation to the Military Service: certified copies of the member's death certificate, marriage certificate, DD Form 214 (Certificate of Release or Discharge From Active Duty), retirement order, retired pay statement, or any additional information needed to substantiate the claim. The Military Service notifies the applicant on the disposition of the claim within 60 days. The Military Service forwards approved claims to DFAS Cleveland Center for payment.

6103 DEFINITION OF A QUALIFIED SURVIVING SPOUSE AND DECEASED RETIRED MEMBER

610301. Qualified Surviving Spouse. A qualified surviving spouse is defined as a spouse who:

A. Was married to a deceased retired member of a Uniformed Service described below at the time of such member's death and has never been remarried; and

B. Was married to the member at the time the member became eligible for retired pay, or had been married to the member for at least one year before the date of death, or was the parent of a child born of such marriage.

610302. Deceased Retired Member. A deceased retired member is one who:

A. Became entitled to retired pay or retainer pay before September 21, 1972, died before March 21, 1974, and was entitled to retired or retainer pay on the date of death, or

B. Died before October 1, 1978, and at the time of death would have been entitled to retire pay under chapter 67 of title 10, United States Code [10 U.S.C. section 1331 et seq.] (as in effect before December 1, 1994), except for the fact that the member was under 60 years of age. The ACMSS under this subparagraph is payable for the months beginning after September 30, 1999.

6104 PAYMENT OF ANNUITY

610401. Payment Effective Date. Upon receipt of a validated claim endorsed by the Military Service, the DFAS Cleveland shall begin payment to a qualified surviving spouse within 30 days. The monthly payments begin effective December 1, 1997, except where entitlement is under paragraph 610302.B above, in which case entitlement begins effective October 1, 1999.

610402. Representative Payee. ACMSS payments due to a mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed may be paid to a representative payee, as SBP. See paragraph 460103 of this volume.

610403. Report of Existence (ROE) and Certificate of Continued Eligibility (COE). The procedures for ROE and COE on SBP annuity payments also apply to ACMSS payments.

610404. Debt Collection. Overpayments of annuity are subject to the same collection action as SBP. See Chapter 29 and Chapter 47 of this volume.

610405. Taxability. The taxability of ACMSS payments is similar to SBP annuity. See Chapter 53 of this volume.

610406. Death of Annuitant. The annuity terminates the first day of the month in which the annuitant dies.

610407. Arrears of Annuity. Any amounts which are due and payable at the time of the annuitant's death may be paid in accordance with the provisions of section 3103. The unpaid annuity will only be paid upon receipt of a properly executed and documented claim, approved by the Secretary of the Service concerned (or designee).

610408. Remarriage. The annuity terminates the first day of the month in which the annuitant remarries.

6105 ANNUITY AMOUNT AND OFFSET

610501. Amount. The annuity to a qualified surviving spouse was initially established at \$165 per month. The amount is subject to the same cost-of-living adjustments and at the same time as military retired pay increases under 10 U.S.C. 1401a(b)(2). The first cost-of-living adjustment under 10 U.S.C. 1401a(b)(2) was effective December 1, 1997, as shown on Table 61-1. The provision for rounding monthly SBP annuity under 10 U.S.C. 1451(g)(2) is not

applicable.

610502. Offset. The amount of annuity to which a surviving spouse is entitled under this section for any period shall be reduced (but not below zero) by any amount paid to the surviving spouse for the same period under any of the following provisions of law:

- A. Chapter 73, 10 U.S.C. (RSFPP, SBP, or RCSBP);
- B. Section 4 of Public Law 92-425 (Minimum Income Widow's benefit);
- C. Section 1311(a), 38 U.S.C. (Dependency and Indemnity Compensation (DIC)).

610503. Social Security Offset. The social security offset does not apply to this section.

6106 FUNDING

Annuities must be funded by the approving Military Service from operation and maintenance funds for the fiscal year in which the payment is made.

ACMSS ANNUITY AMOUNT		
Date of Increase	Percent	Amount
November 1, 1997		\$165.00
December 1, 1997	2.1	\$168.47
December 1, 1998	1.3	\$170.66
December 1, 1999	2.4	\$174.76
December 1, 2000	3.6	\$181.05
December 1, 2001	2.6	\$185.76
December 1, 2002	1.4	\$188.36

Table 61-1. ACMSS ANNUITY AMOUNT

Chapter 61 — Annuities for Certain Military Surviving Spouses (ACMSS)

6101 — Authority for Annuities for Center Military Surviving
Spouses (ACMSS)

Public Law 105-85,
section 644,
November 18, 1997
OASD/MPP Memo,
May 6, 1998
Public Law 106-65,
section 656,
October 5, 1999
Public Law 107-314,
section 634,
December 2, 2002
Public Law 106-65,
section 656,
October 5, 1999
Public Law 106-65,
section 656,
October 5, 1999
Public Law 107-314,
section 634,
December 2, 2002

610201.C

610302.B